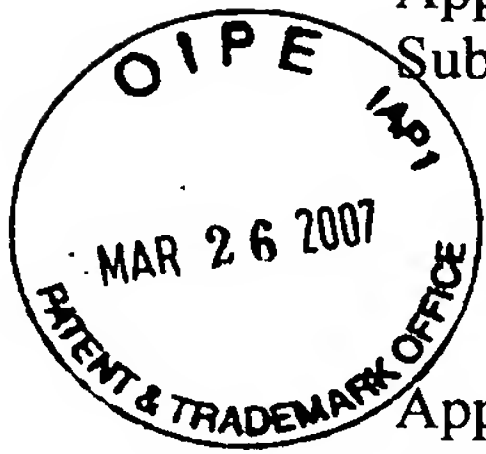


IFW



Application Serial No. 10/595,647  
Submission dated March 22, 2007

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Appl. No.	:	10/595,647	Confirmation No. 4020
Applicant	:	Achim Menne	
Filed	:		
Title	:	STARTING UNIT	
TC/A.U.	:	tbd	
Examiner	:	tbd	
Atty. Docket No.	:	VOI0258	Corresponding to:
Customer No.	:	0832	PCT/EP2004/012700
			Filed: November 10, 2004

SUBMISSION OF INTERNATIONAL PRELIMINARY EXAMINATION REPORT

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

Submitted herewith is an English translation of the International Preliminary Examination Report.

Respectfully submitted,

John F. Hoffman  
Registration No. 26,280  
Attorney for Applicants

JFH/nw

BAKER & DANIELS  
111 East Wayne Street, Suite 800  
Fort Wayne, IN 46802  
Telephone: 260-424-8000  
Facsimile: 260-460-1700

Enc. IPER Translation  
Return Postcard

CERTIFICATION OF FACSIMILE TRANSMISSION

I hereby certify that this correspondence is being deposited with the United States Postal Service as First Class Mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on: March 22, 2007

JOHN F. HOFFMAN, REG. NO. 26,280  
Name of Registered Representative

Signature

March 22, 2007  
Date

**TRANSLATION**

**PATENT COOPERATION TREATY**

**PCT**

**INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY**

(Chapter II of the Patent Cooperation Treaty)

(PCT Article 36 and Rule 70)

Applicant's or agent's file reference <b>PG 06135WO</b>	FOR FURTHER ACTION	See Form PCT/IPEA/416
International application No. <b>PCT/EP2004/012700</b>	International filing date (day/month/year) <b>10.11.2004</b>	Priority date (day/month/year) <b>14.11.2003</b>
International Patent Classification (IPC) or national classification and IPC <b>F16D33/02, F16D33/06</b>		
Applicant <b>VOITH TURBO GMBH &amp; CO. KG</b>		

1. This report is the international preliminary examination report, established by this International Preliminary Examining Authority under Article 35 and transmitted to the applicant according to Article 36.

2. This REPORT consists of a total of 8 sheets, including this cover sheet.

3. This report is also accompanied by ANNEXES, comprising:

a. ☒ (sent to the applicant and to the International Bureau) a total of 2 sheets, as follows:

☐ sheets of the description, claims and/or drawings which have been amended and are the basis for this report and/or sheets containing rectifications authorized by this Authority (see Rule 70.16 and Section 607 of the Administrative Instructions).

☐ sheets which supersede earlier sheets, but which this Authority considers contain an amendment that goes beyond the disclosure in the international application as filed, as indicated in item 4 of Box No. I and the Supplemental Box.

b. ☐ (sent to the International Bureau only) a total of (indicate type and number of electronic carrier(s)) \_\_\_\_\_, containing a sequence listing and/or tables related thereto, in computer readable form only, as indicated in the Supplemental Box Relating to Sequence Listing (see Section 802 of the Administrative Instructions).

4. This report contains indications relating to the following items:

<input checked="" type="checkbox"/>	Box No. I	Basis of the report
<input type="checkbox"/>	Box No. II	Priority
<input type="checkbox"/>	Box No. III	Non-establishment of opinion with regard to novelty, inventive step and industrial applicability
<input type="checkbox"/>	Box No. IV	Lack of unity of invention
<input checked="" type="checkbox"/>	Box No. V	Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement
<input type="checkbox"/>	Box No. VI	Certain documents cited
<input checked="" type="checkbox"/>	Box No. VII	Certain defects in the international application
<input checked="" type="checkbox"/>	Box No. VIII	Certain observations on the international application

Date of submission of the demand	Date of completion of this report
Name and mailing address of the IPEA/EP	Authorized officer
Facsimile No.	Telephone No.

## INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY

International application No.

PCT/EP2004/012700

Box No. I

Basis of the report

1. With regard to the language, this report is based on the international application in the language in which it was filed, unless otherwise indicated under this item.
- ☐ This report is based on translations from the original language into the following language \_\_\_\_\_ which is the language of a translation furnished for the purposes of:
- ☐ international search (Rule 12.3 and 23.1(b))
- ☐ publication of the international application (Rule 12.4)
- ☐ international preliminary examination (Rule 55.2 and/or 55.3)
2. With regard to the elements of the international application, this report is based on (*replacement sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this report as "originally filed" and are not annexed to this report*):
- ☐ the international application as originally filed/furnished
- ☒ the description:
- pages 1-21 \_\_\_\_\_ as originally filed/furnished
- pages\* \_\_\_\_\_ received by this Authority on \_\_\_\_\_
- pages\* \_\_\_\_\_ received by this Authority on \_\_\_\_\_
- ☒ the claims:
- nos. 6-17 \_\_\_\_\_ as originally filed/furnished
- nos.\* \_\_\_\_\_ as amended (together with any statement) under Article 19
- nos.\* 1-5 \_\_\_\_\_ received by this Authority on 14.09.2005 with telefa
- nos.\* \_\_\_\_\_ received by this Authority on \_\_\_\_\_
- ☒ the drawings:
- sheets 1/5-5/5 \_\_\_\_\_ as originally filed/furnished
- sheets\* \_\_\_\_\_ received by this Authority on \_\_\_\_\_
- sheets\* \_\_\_\_\_ received by this Authority on \_\_\_\_\_
- ☐ a sequence listing and/or any related table(s) – see Supplemental Box Relating to Sequence Listing.
3. ☐ The amendments have resulted in the cancellation of:
- ☐ the description, pages \_\_\_\_\_
- ☐ the claims, nos. \_\_\_\_\_
- ☐ the drawings, sheets/figs \_\_\_\_\_
- ☐ the sequence listing (*specify*): \_\_\_\_\_
- ☐ any table(s) related to sequence listing (*specify*): \_\_\_\_\_
4. ☐ This report has been established as if (some of) the amendments annexed to this report and listed below had not been made, since they have been considered to go beyond the disclosure as filed, as indicated in the Supplemental Box (Rule 70.2(c)).
- ☐ the description, pages \_\_\_\_\_
- ☐ the claims, nos. \_\_\_\_\_
- ☐ the drawings, sheets/figs \_\_\_\_\_
- ☐ the sequence listing (*specify*): \_\_\_\_\_
- ☐ any table(s) related to sequence listing (*specify*): \_\_\_\_\_

\* If item 4 applies, some or all of those sheets may be marked "superseded."

## INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY

International application No.

PCT/EP2004/012700

Box No. V	Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement															
1. Statement	<table><tbody><tr><td rowspan="2">Novelty (N)</td><td>Claims 8-17</td><td>YES</td></tr><tr><td>Claims 1-7</td><td>NO</td></tr><tr><td rowspan="2">Inventive step (IS)</td><td>Claims 10</td><td>YES</td></tr><tr><td>Claims 1-9, 11-17</td><td>NO</td></tr><tr><td rowspan="2">Industrial applicability (IA)</td><td>Claims 1-17</td><td>YES</td></tr><tr><td>Claims</td><td>NO</td></tr></tbody></table>	Novelty (N)	Claims 8-17	YES	Claims 1-7	NO	Inventive step (IS)	Claims 10	YES	Claims 1-9, 11-17	NO	Industrial applicability (IA)	Claims 1-17	YES	Claims	NO
Novelty (N)	Claims 8-17		YES													
	Claims 1-7	NO														
Inventive step (IS)	Claims 10	YES														
	Claims 1-9, 11-17	NO														
Industrial applicability (IA)	Claims 1-17	YES														
	Claims	NO														
2. Citations and explanations (Rule 70.7)	<p>1. This report makes reference to the following documents:</p> <p>D1: US-A-2 731 119 (BURDETT HARRY W ET AL) 17 January 1956 (1956-01-17)</p> <p>D2: US-A-3 952 508 (BOPP ET AL) 27 April 1976 (1976-04-27)</p> <p>2. The present application does not meet the requirements of PCT Article 33(1), because the subject matter of claim 1 lacks novelty within the meaning of PCT Article 33(2).</p> <p>D1 discloses (the reference signs in parentheses refer to D1):</p> <p>a hydrodynamic coupling</p> <ul style="list-style-type: none"><li>- having an input that can be coupled to a drive (28) and an output that can be coupled to a drive output (10);</li><li>- having a hydrodynamic component comprising a primary impeller (24) and a secondary impeller (18) which, together, form an</li></ul>															

## INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY

International application No.

PCT/EP2004/012700

Box No. V

Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability;  
citations and explanations supporting such statement

operating chamber that can be filled with operating material;

- having a switchable coupling (50,52) comprising at least two coupling elements that can be operatively linked in a frictionally engaged manner directly or indirectly via transmission means, the two coupling elements being a first coupling element (50) and a second coupling element (52), each of which is coupled, at least indirectly, in a rotationally fixed manner to the input (28) and the output (10), and the coupling elements are actuated via an adjusting device (18);
- having a housing (16) that is stationary or coupled to the primary impeller (18) in a rotationally fixed manner and encloses in the axial direction at least one impeller (18) while forming at least one operating material guide channel or chamber (23);
- the adjusting device (18) of the switchable coupling (50,52) is at least indirectly coupled to the operating material supply channel or chamber (23) as a source of pressure, the operating material supply channel or chamber (23) being at least indirectly connectable to an operating material supply line;
- having means (18) for influencing the transmission behavior of the hydrodynamic component (displacement of the secondary impeller);

Box No. V

Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability;  
citations and explanations supporting such statement

- the means comprise built-in mechanical parts (18) that are actuatable by pressure means, said parts acting at least indirectly on the operating circuit adjusting itself in the operating chamber;

- the built-in mechanical parts (18) that are actuatable by pressure means are acted upon by pressure means from the supply channel or the first operating material guide channel or chamber (23), the position, opposite the operating chamber, of the built-in mechanical parts that are actuatable by pressure means being a function of the difference in pressure between the pressure means diverted from the supply channel or from the first operating material guide channel or chamber (23) on the one hand, and the pressure inside the housing in the area of the adjusting device on the other.

3. Dependent claims 1-9 and 11-17 (if not according to claim 10) contain no features that, in combination with the features of any claim to which they refer, meet the PCT requirements for novelty and inventive step, because the features appear to relate to simple design measures or are already known from D1 or D2; see the corresponding text passages indicated in the search report.

4. The combination of features contained in claim 10 is neither known from nor rendered

INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY

International application No.

PCT/EP2004/012700

Box No. V

Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability;  
citations and explanations supporting such statement

obvious by the available prior art.

## Box No. VII Certain defects in the international application

The following defects in the form or contents of the international application have been noted:

5. The amendments submitted with the letter of 14 September 2005 introduce substantive matter which, contrary to the requirements of PCT Article 34(2)(b), goes beyond the disclosure of the international application as filed. The amendments are as follows:

"the means comprise built-in mechanical parts that can be actuated by pressure means in the form of separate elements that can be inserted into the operating chamber or of portions of the walls that guide the flow in the operating chamber, which parts act at least indirectly on the operating circuit that adjusts itself in the operating chamber";

These amendments were taken from the description, page 5, lines 16-21, but only a portion of the information was taken from the sentence (after the word "**or**"). The last two lines, in particular, are missing.



INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY

International application No.

PCT/EP2004/012700

Box No. VIII Certain observations on the international application

The following observations on the clarity of the claims, description, and drawings or on the question whether the claims are fully supported by the description, are made:

6. The term "adjusting device" (last line of claim 1) was not previously defined (as an adjusting device for the built-in mechanical parts).
7. Two different elements are denoted with the same name: adjusting device (15) and adjusting device (26). For this reason claims 1 and 4-8 lack clarity.
8. The reference signs "56" and "62" used to refer to the intermediate chamber (claim 10) were not found in the drawings.